

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

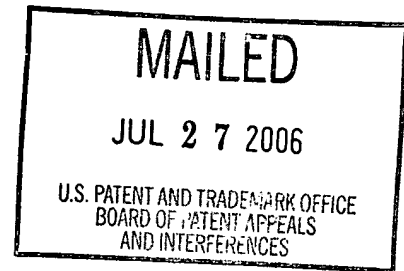
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SRINIVAS GUTTA, MIROSLAV TRAJKOVIC and
ANTONIO COLMENAREZ JR.

Appeal No. 2006-1782
Application No. 09/879,698

ON BRIEF



Before HAIRSTON, KRASS, and JERRY SMITH, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 1 through 21.

The disclosed invention relates to an apparatus for detecting an approaching emergency/law enforcement vehicle from a secondary vehicle.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An apparatus for detecting an approaching emergency/law enforcement vehicle from a secondary vehicle, the apparatus comprising:

at least one camera mounted on the secondary vehicle;

a display surface mounted inside an interior of the secondary vehicle for displaying video image data from the at least one camera;

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at least one of a pan, tilt, and zoom motor operatively connected to the at least one camera for providing an enhanced view of an emergency/law enforcement vehicle displayed on the display surface; and

control means for controlling the at least one pan, tilt, and zoom motors to provide the enhanced view.

The references relied on by the examiner are:

Lee	5,680,123	Oct. 21, 1997
Breed et al. (Breed)	2002/0005778A1	Jan. 17, 2002 (filed May 8, 2001)
Strumolo et al. (Strumolo)	6,535,242	Mar. 18, 2003 (filed Oct. 24, 2000)

Claims 1 through 3, 8, 10 through 14 and 16 through 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Breed.

Claims 4 through 6, 9 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Breed in view of Lee.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Breed in view of Strumolo.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 3, 8 and 10 through 13, sustain the anticipation rejection of claims 14 and 16 through 21, reverse the obviousness rejections of claims 4 through

7 and 9, and sustain the obviousness rejection of claim 15.

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

We agree with the examiner's findings (answer, pages 3 through 5) that Breed discloses apparatus for detecting an approaching emergency vehicle (e.g., a fire engine) from a secondary vehicle (paragraph [0059]), at least one camera (e.g., a HDRC camera) mounted on the secondary vehicle (paragraphs [0131], [0161], [0186]-[0190]), an on-chip electronic pan/tilt and zoom (paragraph [0187]), and a display surface 140, 145 mounted inside the secondary vehicle (Figure 11; paragraphs [0132]-[0134], [0220]-[0222]) for displaying video image data from the at least one camera as an icon representation of an identified vehicle (paragraphs [0220]-[0222]).

Turning first to the anticipation rejection of claim 1, the examiner contends (answer, page 4) that the mechanical motors for a laser radar device used by Breed (paragraph [0169]) are somehow connected to the on-chip electronic pan/tilt and zoom. Appellants argue (brief, page 6) that the motors are not used for a camera, and that Breed does not disclose a motor for the on-chip electronic pan/tilt and zoom. We agree with appellants' argument. The system described by Breed does not use a motor in connection with the on-chip electronic pan/tilt and zoom. For this reason, the anticipation rejection of claims 1 through 3, 8 and 10 through 13 is reversed.

Turning next to the anticipation rejection of claims 14 and 16 through 21, appellants argue (brief, page 7) that “Breed teaches against the display of video image data from a camera at paragraph [0007], and specifically teaches the display of icons representing the user’s vehicle and surrounding vehicles at paragraph [0221].” Although Breed prefers to display icons to avoid confusion to the driver of the secondary vehicle, Breed makes clear that the driver of the secondary vehicle can view the video image data from the camera on a display in a non-preferred embodiment (paragraph [0007]). The preferred embodiment¹ teachings as well as the non-preferred embodiment teachings of Breed are available to the examiner in a prior art rejection. In view of all of the teachings of Breed, the anticipation rejection of claims 14 and 16 through 21 is sustained.

The obviousness rejections of claims 4 through 7 and 9 are reversed because the camera and vehicle monitoring teachings of Lee and Strumolo fail to cure the noted pan/tilt and zoom motor deficiency in the teachings of Breed.

The obviousness rejection of claim 15 is sustained because appellants’ sole argument (brief, page 9) is that Breed teaches against the display of video image data from a camera. As indicated supra, Breed describes an embodiment where the driver of the secondary vehicle can view such video image data from the camera.

¹ As indicated supra, the preferred embodiment converts the image data from the at least one camera to an icon for display inside the secondary vehicle. We find that nothing in the claims on appeal precludes the conversion of the video image data prior to display inside the vehicle.

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DECISION


The decision of the examiner rejecting claims 1 through 3, 8, 10 through 14 and 16 through 21 under 35 U.S.C. § 102(e) is affirmed as to claims 14 and 16 through 21, and is reversed as to claims 1 through 3, 8 and 10 through 13. The decision of the examiner rejecting claims 4 through 7, 9 and 15 under 35 U.S.C. § 103(a) is affirmed as to claim 15, and is reversed as to claims 4 through 7 and 9.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART


KENNETH W. HAIRSTON
Administrative Patent Judge


ERROL A. KRASS
Administrative Patent Judge


JERRY SMITH
Administrative Patent Judge

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